

REMARKS

In response to the Office Action mailed June 2, 2003, claims 1, 4, 15, 16, 18, 29, 32, & 43 have been amended. No claims have been cancelled or newly added. Therefore, claims 1-44 remain pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

A. SPECIFICATION

The Examiner has objected to the disclosure for the following alleged informality:

“On page 23, line 7, reference numeral “506” (first occurrence) should be changed to --306--.” *See* Office Action, pg. 2.

Applicants have amended the Specification, at pg. 23, to replace reference character “506” with reference character “306.” Accordingly, withdrawal of this objection is earnestly sought.

B. CLAIM OBJECTIONS

The Examiner has objected to claims 16 and 18 for the alleged misspelling of “or” on lines 2 and 4 of each claim, respectively. *See* Office Action, pg. 2. Applicants have amended claims 16 and 18 to correct the misspelling. As such, withdrawal of this objection is respectfully requested.

C. **REJECTIONS UNDER 35 U.S.C. §§102-103**

Claims 1-8, 10-22, 24-36, and 38-44 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,512,919 to Ogasawara. *See* Office Action, pg. 2. Claims 9, 23, and 37 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ogasawara in view of U.S. Patent No. 6,026,375 to Hall *et al.* ("Hall"). *See* Office Action, pg. 4.

Applicants disagree with the rejections set forth by the Examiner. However, solely in the interest of expediting prosecution, Applicants have amended independent claims 1, 15, 29, & 43 to clarify various points of novelty over Ogasawara.

In the Office Action, at pg. 2, and with regard to independent claims 1, 15, 29, & 43, the Examiner *alleges* that the teaching in Ogasawara of receiving a telephone call from a wireless telephone (18) and, in response, downloading a purchase transaction program to wireless telephone (18) anticipates Applicants' claimed feature of receiving from a mobile customer device first order data for an order. Applicants disagree.

Ogasawara appears to require that a user first dial the telephone number of a store server (10) to initiate the download of a purchase transaction program to the user's wireless telephone (18) before the user can commence scanning bar codes of items to be purchased. Ogasawara does not disclose receiving (from a user) any type of order data for an order when the user dials the store server (10) to initiate the download of a purchase transaction program. Further, by interpreting the receipt of a telephone call and subsequent downloading of a purchase transaction program as receiving first order data for an order, the Examiner is applying a meaning to "order"

that is inconsistent with the meaning given to this term by those of ordinary skill in the art.

To clarify this distinction, claims 1, 15, 29, & 43 have been amended to recite that first order data received from a mobile customer device comprises information relating to one or more products or services that a customer associated with the mobile customer device desires to purchase from a merchant, yet includes less than a minimum set of data required by the merchant to completely process the order.

For *at least* the reasons set forth above, Applicants submit that none of the references cited by the Examiner, either alone or in combination, teach all of the limitations of independent claims 1, 15, 29, & 43. Accordingly, Applicants further submit that dependent claims 2-14, 16-28, 30-42, & 44 are allowable because they depend from allowable independent claims, as well as for the further limitations they contain.

CONCLUSION

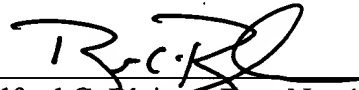
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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Date: **September 30, 2003**

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